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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,551	08/31/2001	Matthew H. Bernius	83301PCW	3075

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EXAMINER
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CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/944,551

Applicant(s)

BERNIUS ET AL.

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to Amendment filed 06/23/04.
2. Claims 1-7 are pending in this application. Claim 1 is independent claim. In the Amendment, claims 1 and 5 are amended. This action is made final.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the first user" in line 9, and there is no limitation "a first user" has been yet clearly defined. There is insufficient antecedent basis for this limitation in the claim.

All other claims can also be rejected because of their dependency.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by England (U.S. Patent No. 6,144,991).

As to claim 1, England teaches a website for providing interactive communication between a host and a second user comprising:

(a) displayable text provided by the host which text is directly or indirectly input and subsequently displayed in real time (A guide is a host, and a client is a second user (e.g., col. 7 line 60-col. 8 line 8, and col. 8 lines 18-23); and they use a chat program or a shared whiteboard for inputting/displaying dynamical/real-time information, e.g., col. 10 lines 35-57, and figs. 9-10);

(b) displayable text provided by the second user which text is input and subsequently displayed in real time (e.g., col. 7 line 60-col. 8 line 8, and col. 8 lines 18-23, col. 10 lines 35-57, and figs. 9-10); and

(c) a plurality of images provided by the host (e.g., col. 14 lines 19-28), which are directly or indirectly input and sequentially displayed in real time so that the first user shares viewing of the images with the second user (e.g., col. 12 lines 53-65); wherein the host controls which of the plurality of images is displayed based on current discussion in the interactive communication derived from the displayable text (e.g., Help desk, col. 11 line 65-col. 12 line 14, col. 12 lines 47-65, col. 13 lines 32-61, col. 14 lines 19-28, and figs. 8-11).

As to claim 2, England teaches the website as in claim 1 further comprising a subsequent image that replaces the image for permitting enhanced interactive chatting (The images/video

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images can be compressed, resized, displayed in different layouts, e.g., col. 10 lines 53-67, col. 12 lines 47-52, col. 14 lines 18-28, and figs. 9-10).

As to claim 3, England teaches the website as in claim 2, wherein the image or subsequent image is enlarged in size when requested by the first or second user (it can be rejected under similar rationale as claim 2 above).

As to claim 4, England teaches the website as in claim 2 further comprising descriptive text of the image or subsequent image displayed on a real time basis substantially simultaneously with the image or subsequent image (e.g., col. 11 line 65-col. 12 line 14, col. 12 lines 47-65, col. 13 lines 32-61, col. 14 lines 19-28, and figs. 8-11).

As to claim 5, England teaches the website as in claim 2 further comprising storing the text of the host and second user along with any combination of lower resolution versions of the image and any subsequent image for forming a transcript for ultimately permitting archival and later retrieval of the transcript (The images/video images can be compressed, resized, displayed in different layouts, e.g., col. 10 lines 53-67, col. 12 lines 47-52, col. 14 lines 18-28, and the session can be saved for later retrieval, col. 14 lines 19-35, and figs. 9-10).

As to claim 6, England teaches the website as in claim 5 further comprising higher resolution versions of the lower resolution versions of the image or subsequent image which are also stored (it can be rejected under similar rationale as claim 5 above).

As to claim 7, England teaches the website as in claim 6 further comprising a link between the lower resolution and higher resolution images (a link on a Web page can be followed in any of the frames, e.g., col. 19 lines 21-35).

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DeNicola et al. (U.S. Patent No. 6,288,753 B1) teach chat, consult, expert, Web Browser, and images (cols. 4-17 and figs. 3-7, 13-14).

Grewal et al. (U.S. Patent No. 6,691,159 B1) teach on-line chat, assistance, sharing topics, and Web (cols. 1-4 and figs. 4-7).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

11/23/04

  
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